## FOURTH APPELLATE DISTRICT DIVISION ONE AUGUST 16, 2004

#### D042769 Kassab v. Board of Trustees of the California State University et al.

The judgment is affirmed. Respondents are entitled to their costs on appeal. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

#### D044717 In re Delander on Habeas Corpus

The petition is denied.

## D043046 Rancho Bernardo Community Bank et al. v. Washington Mutual Bank

The judgment is affirmed. Plaintiffs are entitled to costs on appeal, including reasonable attorney fees, subject to an appropriate motion in the trial court. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

#### D043133 People v. Walczykowski

The revocation order is affirmed. McIntyre, J.; We Concur: McConnell, P.J., McDonald, J.

#### D041671 Dunn v. La Jolla Cove Motel and Hotel Apartments, Inc.

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

#### D043392 People v. Dillard

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Benke, J.

# D043922 LaJolla Cove Motel and Hotel Apartments, Inc. v. Superior Court of San Diego County/Jackman et al.

The petition for writ of mandate is denied. The order staying the application to appoint a receiver issued on March 18, 2004, and the oder staying all proceedings in the trial court issued on April 4, 2004, are vacated. CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

## D044735 Adams v. Regents of the University of California et al.

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5)).

## D044736 Grossbard et al. v. Lynn et al.

The appellant having failed to timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 1(c)(5)).

#### D044677 Robinson v. Melvin

Pursuant to California Rules of Court, rule 8, the appeal filed June 29, 2004, is dismissed for appellant's failure to timely designate the record.

#### D043542 Arabia v. Johnson

Upon written request filed by appellant, the appeal is dismissed.

## FOURTH APPELLATE DISTRICT DIVISION ONE AUGUST 17, 2004

D044770 Horton, Knox, Carter & Foote v. Superior Court of San Diego County/Garber The petition is denied.

#### D042098 People v. Cochran

The judgment is reversed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

## D044822 Berger v. Superior Court of San Diego County/Houston etc.

The petition is denied.

#### D043763 Bemanian v. Flanagan et al.

Respondents' motions to dismiss the appeal and for judicial notice filed on August 2, 2004, are DENIED as most in light of the parties' written stipulation to dismiss the appeal. The appeal is DISMISSED and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). The clerk is directed to return respondents' motion for judicial notice and the attached exhibits.

#### D044844 People v. Castro

An appeal will not lie from a motion for reconsideration under Code of Civil Procedure section 1008 in a criminal proceeding. The appeal is DISMISSED.

#### D043431 In re Alberto S., a Juvenile

The orders are affirmed. McIntyre, J.; We Concur: Haller, Acting P.J., McDonald, J.

# D042529 Rincon Del Diablo Municipal Water District et al. v. San Diego County Water Authority et al.

The opinion filed July 21, 2004, is ordered certified for publication.

#### D043909 In re Jazmine R., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

## D044672 Charles S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Charles S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed

## FOURTH APPELLATE DISTRICT DIVISION ONE AUGUST 18, 2004

#### D043910 In re Isaiah K., a Juvenile

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., Irion, J.

## D042356 People v. Wesley

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J.; Haller, J.

#### D042296 In re the Marriage of Cabral

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

## D043651 People v. Veliz

Upon filing an abandonment of appeal, the appeal is dismissed.

#### D042285 People v. LaValley

The judgment is affirmed. The probation requirement appellant register as a narcotics offender pursuant to Health and Safety Code section 11590 is stricken. Benke, Acting, P.J.; I Concur: Haller, J., I Dissent (by opinion): McIntyre, J.

#### D043952 In re Andre H., a Minor

The judgment terminating parental rights is reversed. This matter is remanded to the juvenile court with directions that it (1) require the Agency to give proper ICWA notice to any appropriate tribe and the BIA, and file with the court the notices, return receipts, and any responses, and (2) hold a new section 366.26 hearing. If, at the new section 366.26 hearing, the court determines the ICWA notice was proper and no Indian entity seeks to intervene or otherwise indicates Andre is an Indian child as defined by ICWA, the court shall reinstate all of its previous findings and orders, including the termination of parental rights. If, on the other hand, an Indian entity determines Andre is an Indian child under ICWA, the court shall conduct the detention, disposition and all subsequent hearings in accordance with ICWA. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

#### D044479 In re Jordan S., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., Irion, J.

# D044377 Nicole T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.

#### D040907 Burlile v. Gunn as Trustee etc.

This court's stay order of April 2, 2003, is vacated. Upon written stipulation filed by the parties to the appeal, the appeal is dismissed. Each party to bear own costs on appeal.

## FOURTH APPELLATE DISTRICT DIVISION ONE AUGUST 19, 2004

#### D044231 In re Roger T. IV, a Juvenile

The appeal is dismissed. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

#### D042914 People v. Brooks

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

#### D044650 In re De La Garza on Habeas Corpus

The petition is denied.

## D044786 In re Jones on Habeas Corpus

The petition is denied.

## D044772 Jauregui v. Superior Court of San Diego County/Naslund

The petition is denied.

## D044811 Sharon S. v. Superior Court of San Diego County/Annette F.

The petition is denied. The stay issued on August 10, 2004, is vacated.

#### D044778 In re Jerry on Habeas Corpus

The petition is denied.

## D043063 People v. Miller

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

#### D043631 In re Brittany B., a Juvenile

Affirmed. Haller, J.; We Concur: McConnell, P.J., McDonald, J.

#### D041921 People v. Goodrum

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

#### D043212 Jackman v. Baroudi et al.

The order is affirmed. McConnell, P.J.; We Concur: McDonald, J., McIntyre, J.

#### D044804 Braun v. Superior Court of San Diego County/People

The petition is denied.

#### D036388 Golden Eagle Insurance Company v. Smith & Sons Enterprises, Inc.

Pursuant to this court's order of August 4, 2004, the appeal filed June 17, 1999, by Smith & Sons Enterprises, Inc., is dismissed as abandoned.

#### D044199 In re Marriage of Dodd

Carlos Beal's appeal from the orders entered on October 21, 2003 and December 3, 2003 is dismissed on grounds the orders are nonappealable interlocutory orders and Carlos Beal does not have standing to challenge them.

## FOURTH APPELLATE DISTRICT DIVISION ONE AUGUST 20, 2004

## D043196 People v. Williams

For the foregoing reasons, the judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., McIntyre, J.

D044805 Tomlinson v. Superior Court of San Diego County/DeBie et al.

The petition is denied.